



DAC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of)
WATANABE et al.) Art Unit 2112
Application Number: 09/870,630) Examiner Myers,
Filed: June 1, 2001) Paul R.
For: SIGNAL PROCESSING CIRCUIT)
Attorney Docket No. NITT.0017)

RECEIVED

OCT 01 2004

OFFICE OF PETITIONS

Honorable Assistant Commissioner
for Patents
Washington, D.C. 20231

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED
CLAIM FOR PRIORITY
PURSUANT TO 37 C.F.R. § 1.78(a)(3)**

Sir:

This paper is a petition to accept an unintentionally delayed claim for priority under 35 U.S.C. § 120 pursuant to 37 C.F.R. § 1.78(a)(3).

As to the requirement under 37 C.F.R. § 1.78(a)(3)(i), submitted concurrently herewith is a Supplemental Amendment requesting insertion of the reference required by 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(2) requesting insertion before TECHNICAL FIELD on page 1 of the above-referenced application the following paragraph:

**This application is a continuation of PCT Application Number PCT/JP98/05449
filed on December 3, 1998, which designates the United States, and claims
priority therefrom under 35 U.S.C. § 120.**

As to the requirement under 37 C.F.R. § 1.78(a)(3)(ii), a check for \$1,430.00 including the \$1,300.00 surcharge set forth in 37 C.F.R. § 1.17(t), and the petition fee of \$130.00 for the instant petition, together with an authorization to charge Deposit Account Number 08-1480 if

09/28/2004 CCHAU1 00000087 081480 09870630
01 FC:1460 130.00 OP
09/28/2004 CCHAU1 00000087 081480 09870630
02 FC:1454 30.00 DA 130.00 OP

Ref.1n. Ref: 11/30/2004 Date: 11/30/2004 Name/Number: 00000087 09870630 CR
Draf: 08/20/2004 FC: 9204 CR
Instm't date: 11/30/2004 Ref: 11/30/2004 Name/Number: 00000087 09870630 CR
C:1460

the concurrently submitted check is deficient as to payment of these or other required fees in relation to the filing of this paper.

As to the required statement under 37 C.F.R. § 1.78(a)(3)(iii), it is respectfully submitted that the entire delay between the date the aforementioned claim for priority was due under 37 C.F.R. § 1.78(a)(2)(ii) and date of the concurrently filed Request For Priority Under 35 U.S.C. § 120, the claim for priority, and the concurrently filed Supplemental Amendment adding the claim for priority to the specification of the above referenced application was unintentional and due to an administrative oversight at the time of the original filing of the above-referenced application on June 1, 2001.

In view of the foregoing, Applicants are respectfully requesting that the Commissioner (1) accept the above-Unintentionally Delayed Claim for Priority; and (2) grant the above referenced application the claim of priority to PCT Application Number PCT/JP98/05449 filed on December 3, 1998, which designates the United States, and claims priority therefrom under 35 U.S.C. § 120.

It is respectfully noted that on September 21, 2004, a phone conference was had with Petitions Examiner Hicks, in relation to the filing of the instant petition and the concurrently filed Supplemental Amendment and Request For Priority Under 35 U.S.C. § 120, the claim for priority, to properly claim priority to PCT Application Number PCT/JP98/05449 filed on December 3, 1998. This assistance of the Examiner is greatly appreciated.

Wherefore, Applicants respectfully submit that they have fulfilled all of the requirements of 37 C.F.R. §1.78(a)(3), and respectfully request that the instant Petition to Accept Unintentionally Delayed Claim For Priority Pursuant to 37 C.F.R. §1.78(a)(3) be granted, and that the aforementioned claim for priority be accepted.

If additional fees are required or the concurrently submitted check is deficient for payment of any fees required in relation to filing this paper, please charge any fees or credit any overpayments in connection with this paper to Deposit Account No. 08-1480.

Respectfully submitted,

Stanley P. Fisher
Registration Number 24,344

Juan Carlos A. Marquez
Registration Number 34,072

REED SMITH LLP
3110 Fairview Park Drive
Suite 1400
Falls Church, Virginia 22042
(703) 641-4200
September 27, 2004

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 11/24/04 2 Serial/Patent # 09/870 630

3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
Filing			\$
Amendment			\$
Extension of Time			\$
Notice of Appeal/Appeal			\$
Petition		<u>9/27/04</u>	\$ 130 ⁰⁰
Issue			\$
Cert of Correction/Terminal Disc.			\$
Maintenance			\$
Assignment			\$
Other			\$

7 TOTAL AMOUNT OF REFUND: \$ 30 ⁰⁰

8 TO BE REFUNDED BY:

Treasury Check

Credit Deposit A/C #:

08--1480

10 REASON:

Overpayment

Duplicate Payment

No Fee Due (Explanation):

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Sherry D. Brinkley TITLE: Pat. Examiner

SIGNATURE: Sherry D. Brinkley PHONE: 23204

OFFICE: Patents

***** THIS SPACE RESERVED FOR FINANCE USE ONLY *****

APPROVED: Alicia Keller DATE: 11/30/04

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B